

Analysis

This ordinance amends Title 8 – Consumer Protection and Business Regulations, Title 11 – Health and Safety Code and Title 20 – Utilities of the Los Angeles County Code.

The purpose of this ordinance is to transfer from the Treasurer and Tax Collector and the Auditor-Controller to the Department of Public Health, Environmental Health division, duties and responsibilities related to the issuance of public health permits and licenses, commencing with the 2014-15 fiscal year, including but not limited to:

- Accepting and processing applications for public health permits and licenses;
- Signing and issuing public health permits and licenses;
- Collecting, posting, and depositing re-inspection fees, health permit fees, and license fees in the applicable electronic database;
- Refunding fees as may be applicable;
- Accounting for and reporting the collection of all fees and penalties; and
- Performing system maintenance as needed.

Very truly yours,

JOHN F. KRATTLI
County Counsel

By



GRACE V. CHANG
Principal Deputy County Counsel
Health Services Division

GVC:vn

Requested: 03/12/14
Revised: 04/09/14

ORDINANCE NO. _____

An ordinance amending Title 8 - Consumer Protection and Business Regulations, Title 11 - Health and Safety and Title 20 - Utilities of the Los Angeles County Code, relating to the issuance of public health permits and licenses.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 8.04.050 is hereby amended to read as follows:

8.04.050 Animal keeper – Fee exemptions.

The ~~tax collector~~county health officer shall issue without a fee a license to:

A. A person who owns at least five but not more than nine horses and who does not operate a commercial boarding facility or derive income from the rental or use of such horses, unless such person is required to be licensed under other provisions of this code; or

B. A 4-H Club, Future Farmers of America Club, school with animals maintained for agricultural classes, or other similar recognized group which carries on an organized program to encourage student participation in agricultural activities.

SECTION 2. Section 8.04.372 is hereby amended to read as follows:

8.04.372 Public health license.

"Public health license" means a written authorization, issued by the county health officer~~treasurer-tax collector~~, to conduct a particular business or a particular occupation which is subject to regulation by the county and without which license said conduct would be unlawful.

SECTION 3. Section 8.04.373 is hereby amended to read as follows:

8.04.373 Public health permit.

"Public health permit" means a written authorization to operate a body art facility, food establishment or food facility, including but not limited to a food demonstrator, retail food market, retail food vehicle, dairy food vehicle, mobile food preparation unit, personal hawker, or vending machine, issued by the county health officer~~treasurer-tax collector~~, without which permit said operation would be unlawful.

SECTION 4. Section 8.04.560 is hereby amended to read as follows:

8.04.560 Business in fixed location – Public health license and permit requirements.

Any person conducting, at a fixed location, any business, occupation or other activity listed in Section 8.04.720 of this chapter within the geographic area under the jurisdiction of the county health officer shall procure a county public health license or permit from the county health officer~~treasurer-tax collector~~. Such license or permit shall be in addition to any other license or permit required by this county or by any other public jurisdiction.

SECTION 5. Section 8.04.580 is hereby amended to read as follows:

8.04.580 Itinerant businesses – Public health permit requirements.

A. Any person conducting a business, occupation or other activity listed in Section 8.04.720 of this chapter within the geographic area under the jurisdiction of the county health officer, but not at a fixed location, shall procure each year a county public health permit from the ~~treasurer-tax collector of this county~~ health officer. Such permit shall be in addition to any other license or permit required by this county or by any other public jurisdiction.

B. Either the lessor or the lessee of a food vehicle must obtain a permit. If the lessor obtains the permit and there is a change in the lessee, he shall notify the ~~treasurer-tax collector~~ and the county health officer and obtain a new permit. If a lessee obtains the permit, any subsequent lessee shall obtain a new permit.

SECTION 6. Section 8.04.600 is hereby amended to read as follows:

8.04.600 Public health license and permit – Application requirements.

Every person desiring a public health license or permit to conduct any business, occupation or other activity provided for in this chapter shall file an application with the ~~treasurer-tax collector~~county health officer upon a form to be provided by the ~~treasurer-tax collector~~county health officer, and at such time pay the required fee and penalty, if any.

SECTION 7. Section 8.04.610 is hereby amended to read as follows:

8.04.610 Public health license and permit – County health officer~~Treasurer-tax collector~~ action on application.

Upon receipt of an application with all pertinent data and the public health license or permit fee, and on condition that the applicant meets all criteria required by law, the ~~treasurer-tax collector~~county health officer, shall ~~issue~~complete the license or permit form by filling in all pertinent data, ~~shall give the original to the licensee or permittee, the duplicate to the county auditor-controller, and the triplicate to the county health officer,~~ and shall retain the remaining copy or copies.

SECTION 8. Section 8.04.650 is hereby amended to read as follows:

8.04.650 Notice to be given.

A. All official inspection reports issued to food-related businesses shall contain a notice similar to the following:

"Failure to correct the above violations by the compliance date may result in additional fees of (amount of fee) for each additional reinspection."

B. When an additional reinspection fee is due and payable pursuant to Section 8.04.645 of this chapter, the ~~C~~county health officer shall provide a written notice of additional reinspection fee and the delinquency date for payment of the fee to the person engaged in such business ~~and to the Treasurer Tax Collector~~. The written notice shall provide a warning similar to the following:

"Notice — Because of necessary additional reinspections of your business, you must pay a fee of (amount of fee). The fee ~~is payable to the Treasurer Tax Collectors~~ shall be collected by the county health officer and must be received or postmarked on or before (date of delinquency).

Failure to pay such fee by this date shall result in the assessment of a penalty of \$50.00, plus interest of 1-1/2 per month, in addition to the underlying fee."

SECTION 9. Section 8.04.655 is hereby amended to read as follows:

8.04.655 Collection of reinspection fee.

The reinspection fee, interest at the rate set forth in Section 8.04.840 and any penalty thereon shall be collected by the ~~treasurer-tax collector~~ county health officer. The ~~treasurer-tax collector~~ county health officer may bring suit to collect such fee, interest and penalty or add any the unpaid balance to the amount due for any subsequent public health license or permit renewal or license or permit application by the person who owns or operates such food-related business or refer any delinquent

fees to the Treasurer and Tax Collector for collection. The total amount due shall be the license or permit fee for such business.

SECTION 10. Section 8.04.670 is hereby amended to read as follows:

8.04.670 Fee exemptions – Blind persons.

A. The ~~treasurer-tax collector~~county health officer shall issue without fee a public health license or permit to any blind person who otherwise would be entitled to such license or permit if such person files with the ~~treasurer-tax collector~~county health officer a certificate by a licensed physician and surgeon or by the Department of Rehabilitation of the state of California that he is a blind person as those words are used in this section.

B. As used in this section a "blind person" means a person having not more than 10 percent visual acuity in the better eye with correction.

SECTION 11. Section 8.04.730 is hereby amended to read as follows:

8.04.730 Public health license and permit – Contents.

Each public health license and permit shall state the person to whom, and the kind of business or businesses, the account identifier, and the location for which it is issued, and the date of issuance, the license or permit period for which it is issued, and shall refer to this chapter and be signed by the ~~treasurer-tax collector~~county health officer.

SECTION 12. Section 8.04.770 is hereby amended to read as follows:

8.04.770 Vehicle and equipment identification.

The ~~treasurer-tax collector~~county health officer may, when he deems necessary, issue in conjunction with any public health license or permit required by this chapter

further identification in the form of a license plate, decal or gummed sticker. Upon issuance of same, he shall, in writing, advise the licensee or permittee as to where this identification is to be affixed.

SECTION 13. Section 8.04.780 is hereby amended to read as follows:

8.04.780 Vending machine operator requirements.

A. Each food or drink vending machine shall have affixed thereon, in an accessible place, an identification plate made of durable material, setting forth the model number or symbol of the machine and the serial number identifying each machine.

B. In addition, there shall be affixed to each food or drink vending machine a decal or other indication furnished by the ~~treasurer tax collector~~ county health officer that the required public health permit fee has been paid for the current year.

~~C. On or before April 1st of each year, each operator of a food or drink vending machine business shall mail or deliver to the treasurer tax collector a list of the addresses at which his machines, subject to fee, are located.~~

CD. The operator of a food or drink vending machine business shall maintain in its headquarters or principal place of business a current record or list by serial number of every such machine and its location within the area under the jurisdiction of the county health officer.

SECTION 14. Section 8.04.800 is hereby amended to read as follows:

8.04.800 Public health license and permit – Partnership transfer fee.

If a public health license or permit is issued to a partnership and the partnership is changed by the addition of new partners, the license or permit may be transferred to

the new partnership if the new partnership makes application for such transfer in the same manner as for a new license or permit and pays ~~the tax collector~~ a transfer fee of \$10.00 to the county health officer.

SECTION 15. Section 8.04.810 is hereby amended to read as follows:

8.04.810 Lost public health license and permit replacement.

Where, from such evidence as he sees fit to require, the ~~treasurer-tax collector~~ county health officer finds that a public health license or permit (whether in the form of a tag, plate, paper or card, sticker, or otherwise) has been lost, he shall issue a duplicate license or permit to the owner thereof upon payment of \$20.00.

SECTION 16. Section 8.04.817 is hereby amended to read as follows:

8.04.817 Public health license and permit – Reporting requirements.

Every person having a public health license or permit under the provisions of this chapter shall report to the ~~treasurer-tax collector and the d~~Department of Public Health~~health services~~ the following changes of status to the business within 15 days of the change:

- A. Change of mailing address;
- B. Sale and/or transfer of ownership;
- C. Permanent closure or cessation of business.

SECTION 17. Section 8.04.820 is hereby amended to read as follows:

8.04.820 Procedures for issuing public health licenses and permits for temporary activities.

- A. Notwithstanding Section 8.04.640, if the applicant for a public health license or permit under this chapter shows to the satisfaction of the ~~Treasurer-Tax~~

~~Collector~~county health officer that because a business or occupation or other activity is of a seasonal nature, or because of statutory or ordinance regulations or restrictions, or because of acquisition by the public of the premises on which the occupation or business or other activity is situated, or because of similar reasons, such business, occupation or activity can only be carried on for a limited period of time, not more than three-quarters of a year, a license or permit may be issued for such period of time and the license or permit fee shall be the following fraction of the annual fee:

1. One-quarter of a year or less, one-fourth;
2. More than one-quarter but not more than one-half of a year, one-half;
3. More than one-half but not more than three-quarters of a year, three-fourths.

B. Such license or permit may be issued for the limited period without regard to fiscal years.

C. Notwithstanding any other provision of this section, a swimming pool shall not be considered a seasonal activity.

SECTION 18. Section 8.04.860 is hereby amended to read as follows:

8.04.860 County health officer~~Treasurer-tax collector~~ – Fee collection and other duties.

The ~~treasurer-tax collector~~county health officer shall collect the license and permit fees and penalties under this chapter when he receives the application for a license or permit, and perform such other duties as are prescribed by this chapter.

SECTION 19. Section 8.04.870 is hereby amended to read as follows:

8.04.870 County Health Officer~~Auditor-controller~~ – Public health license and permit issuance and accounting duties.

The county health officer shall maintain an accounting of all issued health licenses and permits for both tracking and audit purposes.~~The auditor-controller shall issue public health licenses and permits in multiple copies to the treasurer tax collector in such quantities as the treasurer tax collector shall require, taking a receipt therefor, and keeping such accounts as may be necessary to determine the accountability of the treasurer tax collector.~~ The auditor-controller~~county health officer~~ shall number and sign all licenses and permits.

SECTION 20. Section 8.04.880 is hereby amended to read as follows:

8.04.880 County health officer~~Treasurer-tax collector~~ – Deposit of funds.

~~The treasurer tax collector~~county health officer every business day shall deposit in the ~~treasurer tax collector's~~Environmental Health trust fund in the county treasury all license and permit fees and penalties collected.

SECTION 21. Section 8.04.890 is hereby deleted in its entirety:

~~8.04.890 Treasurer-tax collector—Monthly report.~~

~~A.—— On the first business day of each month the treasurer tax collector shall prepare a report showing:~~

~~1.—— All penalties collected;~~

~~2.—— All fees collected for licenses and permits which have been issued.~~

~~B.—— The treasurer tax collector shall deposit all such sums so reported in the general fund of the county treasury.~~

SECTION 22. Section 8.04.900 is hereby amended to read as follows:

8.04.900 Minor errors in payments.

In the event a discrepancy exists between the amount of the fee paid and the amount of the fee due, resulting in an underpayment or an overpayment of the fee in the amount of ~~\$1.00~~\$10.00, or less, the ~~treasurer-tax collector~~county health officer may accept and record such underpayment or overpayment without other notification to the licensee or permittee or the license or permit applicant.

SECTION 23. Section 8.04.910 is hereby amended to read as follows:

8.04.910 Refunds.

A. The county ~~auditor-controller~~health officer may refund to the licensee or permittee all moneys collected ~~by the treasurer-tax collector~~ because of excess, erroneous, or double payment, if the licensee or permittee files a proper claim.

B. Whenever public health license or permit fees are reduced during the calendar year and made retroactive because the board of supervisors finds that the higher fee was not legally justified, and whenever the applicant has paid a higher fee than that required because he has paid prior to the beginning of the license or permit period and subsequent to such payment the fee has been reduced, the ~~auditor~~county health officer shall upon the presentation of a refund claim, make refunds as follows: ~~on the presentation of a refund claim, prepared in duplicate, approved by the treasurer-tax collector and accompanied by the license or permit, the auditor-controller shall:~~

1. Apply the payment to~~Transmit to the treasurer-tax collector a~~
~~warrant for the newly established fee; and~~
2. Remit the remainder to the licensee or permittee.

SECTION 24. Section 8.04.920 is hereby amended to read as follows:

8.04.920 Actions for recovery of delinquent license or permit fees.

The treasurer-tax collector shall may, in the name of the eCounty of Los Angeles, as plaintiff, bring suit for the recovery of any delinquent license or permit fee imposed against any person required by this chapter to procure a license or permit to engage in any business as defined in this chapter, who carries on or attempts to carry on such business without such license or permit.

SECTION 25. Section 8.04.938 is hereby amended to read as follows:

8.04.938 Violation of injunction—Civil penalty.

Any person who intentionally violates any injunction issued pursuant to Section 8.04.936 shall be liable for a civil penalty payable to collected by the county treasurer-tax collector health officer not to exceed \$500.00 for each violation.

SECTION 26. Section 8.04.942 is hereby amended to read as follows:

8.04.942 Operating without a public health license or permit – Civil penalty.

A. Any person who violates Section 8.04.932 shall be liable for a civil penalty recoverable in a civil action and payable to by the county treasurer-tax collector health officer:

1. In an amount not less than \$100.00 for the first violation; and
2. In an amount not less than \$500.00 for the second and any subsequent violation.

B. The remedies provided in Section 8.04.934 and by this section are mutually exclusive.

SECTION 27. Section 8.04.960 is hereby amended to read as follows:

8.04.960 List of properties subject to fees – preparation.

On or before August 1st of each year, the ~~treasurer-tax collector~~county health officer shall prepare a list of parcels of real property which are subject to the fees described in section 8.04.950, and shall transmit such list to the auditor-controller on or before the 10th day of August of each year.

SECTION 28. Section 8.04.1020 is hereby deleted in its entirety:

~~8.04.1020 Recordkeeping and collection.~~

~~Records of condemnation tickets written shall be kept by the health officer and a report thereon shall be forwarded to the tax collector quarterly for collection purposes.~~

SECTION 29. Section 8.04.1030 is hereby amended to read as follows:

8.04.1030 Delinquency date.

Irrespective of the provisions of Section 8.04.830, and for the purposes of this Part 4 only, "delinquency date" means: the 31st day after the date that a notice of the amount due under the provisions of this Part 4 is sent by the ~~tax collector~~county health officer.

SECTION 30. Section 8.04.1170 is hereby amended to read as follows:

8.04.1170 Health permit – Issuance conditions.

Upon receipt of an application for a health permit and the payment of the required fee, the ~~tax collector shall refer the application to the health officer, and the~~ county health officer shall make an investigation of the premises and facilities intended to be used by the applicant. If the applicant has not complied with all applicable laws, the health permit shall be denied. In the event of denial, the county health officer shall

issue and serve upon the applicant a notice setting forth the reasons for denial and informing him of his right to a hearing.

SECTION 31. Section 11.32.160 is hereby amended to read as follows:

11.32.160 Swimming pool equipment – Review and approval required –

Fees.

A. All recirculation and purification equipment shall be subject to review and approval by the director before installation in connection with a swimming pool.

B. It is unlawful for any person to install any recirculation and purification equipment related to a swimming pool unless such equipment has first been reviewed and approved by the director.

C. Any person desiring to have recirculation or purification equipment reviewed shall submit said equipment to the director and pay the following fees, which are ~~payable to~~ collected by the county ~~tax collector~~ health officer prior to the time of submission of each piece of equipment:

1. Filters.	
a. First basic individual unit of each manufacturer or of series of similar design	\$50.00
b. Each additional unit of the same make of different filter area in a series for which the fee required in a subparagraph was paid	10.00
2. Chlorinators—for each make unit of the same general design regardless of capacity	30.00
3. Hypochlorinators—for each type unit of each manufacturer	20.00

4. Surface skimmers—for each type unit of each manufacturer	50.00
5. Rate-of-flow indicators—for each series of similar units of each manufacturer	45.00
6. Test kits for chlorine or other approved disinfectant and pH	20.00
7. Pumps.	
a. First basic individual unit of each series of each manufacturer	25.00
b. Each additional unit of same series but different horsepower	5.00
8. Separation Tanks.	
a. First basic individual unit of each series of each manufacturer	20.00
b. Each additional unit of the same design but different volume	5.00.

SECTION 32. Section 20.64.100 is hereby amended to read as follows:

20.64.100 Issuance conditions.

Upon approval by the enforcement agency of an application for a solid-waste facility permit, a waste-collector permit, or a self-hauler permit, the enforcement agency shall by appropriate notation upon the face of each application, cause such permits to be issued by the ~~treasurer-tax collector~~county health officer upon payment to the ~~treasurer-tax collector~~county health officer of the fee prescribed in Section 20.64.110.

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